

and for so doing, he shall be reimbursed all costs and reasonable expenses necessarily incurred, to be recovered from the party so refusing or delaying, in the same manner as debts of a like amount are now recoverable.

1878, ch. 256. 1878, ch. 445. 1884, ch. 144. 1886, ch. 268. 1886, ch. 418.

**111.** In case joint fences are not made and kept in repair, according to the provisions of this sub-title of this article, it shall be also lawful for the party aggrieved, or likely to be injured, instead of pursuing the remedy above alluded to, to discontinue the said fence, by giving three months' notice in manner aforesaid; and in all other cases, unless by mutual consent, twelve months shall be required to discontinue any joint fence.

Ibid.

**112.** Whenever any person shall, under and by virtue of this sub-title of this article, or any laws of this State, be summoned or called upon to value and assess the damages done upon any enclosure in the aforementioned districts, by trespassing live stock of any kind or description whatever, the said person so valuing or assessing the said damages shall inspect and examine into the state and condition of the enclosure of the land upon which the said trespass or damage shall be alleged to have been done or committed; and if said enclosure shall not be such as hereinbefore described, he shall not make out any award or assess any damage whatever.

Ibid.

**113.** In all actions for trespass *quare clausum fregit*, or legal proceedings of any kind sued out or commenced in said districts to recover damages for trespass upon land by any kind or description of live stock, the defendant may plead the general issue, and give the special matter in evidence, under this sub-title of this article; and the plaintiff, in each and every suit, shall be non-suited and mulcted in cost, whenever it shall be clearly proven, by legal and competent testimony, that the land, wherever the said trespass was committed, was not enclosed according to the provisions of this sub-title of this article.